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DEPENDABLE SHEET METAL

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FAIRMONT SPECIALTY INSURANCE  
COMPANY, a Delaware corporation; and  
TIG INSURANCE COMPANY, a  
California corporation,

Plaintiffs,

v.

INSURANCE CORPORATION OF NEW  
YORK, a New York corporation;  
DEPENDABLE SHEET METAL, a  
California corporation; and DOES 1 through  
10,

Defendants.

CASE NO.: C07-03421 VRW

**[PROPOSED] ORDER GRANTING  
DEFENDANT DEPENDABLE SHEET  
METAL'S MOTION TO REMAND**

**[28 USC §1447]**

**DATE: SEPTEMBER 6, 2007**

**TIME: 2:00 P.M.**

**DEPT.: Courtroom 6, 17<sup>th</sup> Floor**

**JUDGE: The Hon. Vaughn R. Walker**

The motion of Defendant DEPENDABLE SHEET METAL for an order Remanding the above entitled action back to The Superior Court of the State of California-Contra Costa County, came on for hearing in Courtroom F, 15th Floor, of this Court located at 450 Golden Gate Avenue, San Francisco, California 94102, on September 5, 2007, at 9:30 A.M. Joseph Oliva, Esq. appeared on behalf of Defendant DEPENDABLE SHEET METAL, all other appearances are noted on the record. Having read the motion, the memorandum of points and authorities, the declarations, and opposing papers and having heard the argument of all counsel, and good cause appearing,

**IT IS ORDERED** that:

1. Defendant's Motion to Remand is granted as Defendant INSURANCE COMPANY OF NEW YORK failed in their Notice of Removal or Supporting Declarations to set forth sufficient evidence to establish by a preponderance of the evidence sufficient grounds to establish Subject Matter Jurisdiction over Defendant DEPENDABLE SHEET METAL.

2. The Federal Court Clerk shall send a certified copy of this Court's Remand Order to the Superior Court of the State of California, County of Contra Costa for further proceedings.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE VAUGHN R. WALKER  
Chief Judge of U.S. District Court